

**Calendar No. 941**

110TH CONGRESS  
2D SESSION

**S. 2728**

**[Report No. 110–446]**

To establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs.

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IN THE SENATE OF THE UNITED STATES

MARCH 6, 2008

Mr. ISAKSON introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 22 (legislative day, AUGUST 1), 2008

Reported under authority of the order of the Senate of August 1, 2008, by  
Mrs. BOXER, with amendments

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**A BILL**

To establish the Twenty-First Century Water Commission to study and develop recommendations for a comprehensive water strategy to address future water needs.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2       This Act may be cited as the “Twenty-First Century  
3 Water Commission Act of 2008”.

4 **SEC. 2. FINDINGS.**

5       Congress finds that—

6           (1) the Nation’s water resources will be under  
7       increasing stress and pressure in the coming dec-  
8       ades;

9           (2) a thorough assessment of technological and  
10      economic advances that can be employed to increase  
11      water supplies or otherwise meet water needs in  
12      every region of the country is important and long  
13      overdue; and

14          (3) a comprehensive strategy to increase water  
15      availability and ensure safe, adequate, reliable, and  
16      sustainable water supplies is vital to the economic  
17      and environmental future of the Nation.

18 **SEC. 3. ESTABLISHMENT.**

19       There is established a commission to be known as the  
20 “Twenty-First Century Water Commission” (in this Act  
21 referred to as the “Commission”).

22 **SEC. 4. DUTIES.**

23       The duties of the Commission shall be to—

24           (1) use existing water assessments and conduct  
25      such additional assessments as may be necessary to  
26      project future water supply and demand;

1           (2) study current water management programs  
2           of Federal, Interstate, State, and local agencies, and  
3           private sector entities directed at increasing water  
4           supplies and improving the availability, reliability,  
5           and quality of freshwater resources; and

6           (3) consult with representatives of such agen-  
7           cies and entities to develop recommendations con-  
8           sistent with laws, treaties, decrees, and interstate  
9           compacts for a comprehensive water strategy  
10          which—

11                 (A) respects the ~~primary~~ role of States in  
12                 adjudicating, administering, and regulating  
13                 water rights and water uses;

14                 (B) identifies incentives intended to ensure  
15                 an adequate and dependable supply of water to  
16                 meet the needs of the United States for the  
17                 next 50 years;

18                 ~~(C) suggests strategies that avoid in-~~  
19                 ~~creased mandates on State and local govern-~~  
20                 ~~ments;~~

21                 ~~(D) eliminates duplication and conflict~~  
22                 ~~among Federal governmental programs;~~

23                 ~~(E)~~(C) considers all available technologies  
24                 and other methods to optimize water supply re-

1 liability, availability, and quality, while safe-  
 2 guarding the environment;

3 ~~(F)~~(D) recommends means of capturing  
 4 excess water and flood water for conservation  
 5 and use in the event of a drought;

6 ~~(G)~~(E) suggests financing options for com-  
 7 prehensive water management projects and for  
 8 appropriate public works projects;

9 ~~(H)~~(F) suggests strategies to conserve ex-  
 10 isting water supplies, including recommenda-  
 11 tions for repairing aging infrastructure *and*  
 12 *promoting efficiency and conservation*; and

13 ~~(I)~~(G) includes other objectives related to  
 14 the effective management of the water supply to  
 15 ensure reliability, availability, and quality,  
 16 which the Commission shall consider appro-  
 17 priate.

18 **SEC. 5. MEMBERSHIP.**

19 (a) NUMBER AND APPOINTMENT.—The Commission  
 20 shall be composed of 9 members who shall be appointed  
 21 not later than 90 days after the date of enactment of this  
 22 Act. Member shall be appointed as follows:

23 (1) 5 members appointed by the President;

1           (2) 2 members appointed by the Speaker of the  
2       House of Representatives, in consultation with the  
3       minority leader of the House of Representatives; and

4           (3) 2 members appointed by the majority leader  
5       of the Senate, in consultation with the minority lead-  
6       er of the Senate.

7       (b) QUALIFICATIONS.—Members shall be appointed  
8       to the Commission from among individuals who—

9           (1) are of recognized standing and distinction  
10      in water policy issues; and

11          (2) while serving on the Commission, do not  
12      hold any other position as an officer or employee of  
13      the United States, except as a retired officer or re-  
14      tired civilian employee of the United States.

15      (c) OTHER CONSIDERATIONS.—In appointing mem-  
16      bers of the Commission, every effort shall be made to en-  
17      sure that the members represent a broad cross section of  
18      regional and geographical perspectives in the United  
19      States.

20      (d) CHAIRPERSON.—The Chairperson of the Com-  
21      mission shall be designated by the President.

22      (e) TERMS.—Members of the Commission shall be  
23      appointed not later than 90 days after the date of enact-  
24      ment of this Act and shall serve for the life of the Commis-  
25      sion.

1 (f) VACANCIES.—A vacancy on the Commission shall  
 2 not affect its operation, and shall be filled in the same  
 3 manner as the original appointment provided under sub-  
 4 section (a).

5 (g) COMPENSATION AND TRAVEL EXPENSES.—Mem-  
 6 bers of the Commission shall serve without compensation,  
 7 except members shall receive travel expenses, including per  
 8 diem in lieu of subsistence, in accordance with applicable  
 9 provisions under subchapter I of chapter 57, United  
 10 States Code.

11 **SEC. 6. MEETINGS AND QUORUM.**

12 (a) MEETINGS.—The Commission shall hold its first  
 13 meeting not later than 60 days after the date on which  
 14 all members have been appointed under section 5, and  
 15 shall hold additional meetings at the call of the Chair-  
 16 person or a majority of its members.

17 (b) QUORUM.—A majority of the members of the  
 18 Commission shall constitute a quorum for the transaction  
 19 of business.

20 **SEC. 7. DIRECTOR AND STAFF.**

21 A Director shall be appointed by the Speaker of the  
 22 House of Representatives and the majority leader of the  
 23 Senate, in consultation with the minority leader and chair-  
 24 men of the Resources and Transportation and Infrastruc-  
 25 ture Committees of the House of Representatives, and the

1 minority leader and chairmen of the Energy and Natural  
2 Resources and Environment and Public Works Commit-  
3 tees of the Senate. The Director and any staff reporting  
4 to the Director shall be paid a rate of pay not to exceed  
5 the maximum rate of basic pay for GS-15 of the General  
6 Schedule.

7 **SEC. 8. POWERS AND PROCEEDINGS OF THE COMMISSION.**

8       (a) HEARINGS.—The Commission shall hold no fewer  
9 than 10 hearings during the life of the Commission. Hear-  
10 ings may be held in conjunction with meetings of the Com-  
11 mission. The Commission may take such testimony and  
12 receive such evidence as the Commission considers appro-  
13 priate to carry out this Act. At least 1 hearing shall be  
14 held in Washington, DC, for the purpose of taking testi-  
15 mony of representatives of Federal agencies, national or-  
16 ganizations, and Members of Congress. Other hearings  
17 shall be scheduled in distinct geographical regions of the  
18 United States and should seek to ensure testimony from  
19 individuals with a diversity of experiences, including those  
20 who work on water issues at all levels of government and  
21 in the private sector.

22       (b) INFORMATION AND SUPPORT FROM FEDERAL  
23 AGENCIES.—Upon request of the Commission, any Fed-  
24 eral agency shall—

1           (1) provide to the Commission, within 30 days  
2           of its request, such information as the Commission  
3           considers necessary to carry out the provisions of  
4           this Act; and

5           (2) detail to temporary duty with the Commis-  
6           sion on a reimbursable basis such personnel as the  
7           Commission considers necessary to carry out the  
8           provisions of this Act, in accordance with section  
9           5(b)(5), Appendix, title 5, United States Code.

10 **SEC. 9. REPORTS.**

11           (a) INTERIM REPORTS.—Not later than 6 months  
12           after the date of the first meeting of the Commission, and  
13           every 6 months thereafter, the Commission shall transmit  
14           an interim report containing a detailed summary of its  
15           progress, including meetings and hearings conducted in  
16           the interim period, to—

17                   (1) the President;

18                   (2) the Committee on Resources and the Com-  
19           mittee on Transportation and Infrastructure of the  
20           House of Representatives; and

21                   (3) the Committee on Energy and Natural Re-  
22           sources and the Committee on the Environment and  
23           Public Works of the Senate.

24           (b) FINAL REPORT.—As soon as practicable, but not  
25           later than 3 years after the date of the first meeting of



1 the Commission, the Commission shall transmit a final re-  
2 port containing a detailed statement of the findings and  
3 conclusions of the Commission, and recommendations for  
4 legislation and other policies to implement such findings  
5 and conclusions, to—

6 (1) the President;

7 (2) the Committee on Resources and the Com-  
8 mittee on Transportation and Infrastructure of the  
9 House of Representatives; and

10 (3) the Committee on Energy and Natural Re-  
11 sources and the Committee on the Environment and  
12 Public Works of the Senate.

13 **SEC. 10. TERMINATION.**

14 The Commission shall terminate not later than 30  
15 days after the date on which the Commission transmits  
16 a final report under section 9(b).

17 **SEC. 11. AUTHORIZATION OF APPROPRIATIONS.**

18 There are authorized to be appropriated \$9,000,000  
19 to carry out this Act.

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